



VOSH PROGRAM DIRECTIVE: 12-245A

ISSUED: May 15, 1997

SUBJECT: Safety Standards for Scaffolds Used in the Construction Industry, Final Rule, §§ 1926.450 through 1926.454; Repeal of § 1926.556, Aerial Lifts; Corrections to §§ 1926.451 and 1926.453; and Administrative Stay of § 1926.451(b)

A. Purpose.

CHANGE I of this directive transmits to field personnel the final rule on Scaffolds Used in the Construction Industry, §§ 1926.450 through 1926.454, which eliminates outdated, ambiguous and redundant provisions.

CHANGE II makes necessary corrections to the scaffold standard to reflect OSHA's intent and contains an administrative stay of § 1926.451(b)(2)(i) which addresses the minimum width of roof bracket scaffolds.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel and specifically to Occupational Safety Compliance personnel.

C. Action.

The Deputy Commissioner, Directors and Managers shall assure that field personnel understand and comply with this Directive when ensuring compliance with the provisions of this standard.

D. Effective Dates.

CHANGE I: February 15, 1997

CHANGE II: July 15, 1997

E. Expiration Date.

Not Applicable.

F. Background.

CHANGE I: Prior to this revised scaffold standard, the existing federal scaffold standard had been in place since May 1971. Various amendments had been made to Subpart L, Scaffolding, during the first two years of the Occupational Safety and Health (OSH) Act. As a result of concerns regarding the effectiveness of the existing scaffold standards, OSHA began a complete review of Subpart L in 1977.

OSHA's review of existing Subpart L revealed, among other things, that some types of scaffolds used in construction (e.g., catenary scaffolds) are not clearly addressed by the existing standards, and some provisions cover only certain types of scaffolds when they should apply to all; therefore, OSHA determined that the revision of the existing scaffold standard was necessary to improve employee protection.

Additionally, a Bureau of Labor Statistics (BLS) study revealed the following findings:

- 1) plank slippage was the most commonly cited cause of scaffold accidents;
- 2) approximately 70 percent of the workers learned of the safety requirements for installing work platforms, assembling scaffolds, and inspecting scaffolds through on-the-job training;
- 3) approximately 25 percent of the workers had no training in these areas; and
- 4) only 33 percent of scaffolds were equipped with a guardrail.

OSHA estimates that scaffold-related fatalities still account for approximately 9% of all fatalities in the construction workplace.

On September 30, 1996, the Safety and Health Codes Board adopted the Scaffold final rule with an effective date of February 15, 1997, except for § 1926.451(e)(9) and (g)(2), which become effective on September 2, 1997. These paragraphs address safe access and fall protection, respectively, for employees erecting and dismantling supported scaffolds. The Board also repealed § 1926.556 which dealt with aerial lifts.

CHANGE II: The Murray-Black Company, a manufacturer of roof bracket scaffolds, filed a petition for review of final Subpart L on scaffolding in the United States Court of Appeals for the Sixth Circuit with respect to the roof bracket width requirement. OSHA received information from Murray-Black and other manufacturers of roof bracket scaffolds which indicated that most roof bracket scaffolds currently in use are either 8 or 10 inches wide and that those roof brackets function adequately. The original requirements of Subpart L do not set a minimum width for such scaffolds.

OSHA concluded that the submissions by Murray-Black and other scaffold manufacturers raise reasonable concerns regarding the minimum width requirements for roof bracket scaffolds in § 1926.451(b)(2)(i).

Additionally, when the final rule for scaffolding was published on August 30, 1996 (61 FR 46026), it contained minor errors in the regulatory text and in Appendix E which have been corrected.

On April 7, 1997, the Safety and Health Codes Board adopted corrections to §§ 1926.451 and 1926.453 and the administrative stay to § 1926.451(b)(2)(i). The effective date for the corrections is July 15, 1997 and April 8, 1997 for the stay.

G. Summary.

CHANGE I: The requirements of this regulation apply to all establishments in the construction industry. These establishments can be divided into three broad types of activities: building construction general contractors (SIC 15); heavy construction general and special trade contractors (SIC 16); and construction by other special trade contractors (SIC 17).

This revised regulation updates the existing scaffold regulation and sets performance-oriented criteria, where possible, to protect employees from scaffold-related hazards such as falls, falling objects, structural instability, electrocution and overloading. This update specifically addresses various types of scaffolds, such as catenary scaffolds, chimney hoist scaffolds, step and trestle ladder scaffolds, and multi-level suspended scaffolds, which were not covered by the previous scaffold standards.

Highlights of the revised regulation include the following:

- < 10-foot trigger height provisions for fall protection on scaffolds is retained;
- < Minimum top rail height for scaffolds where the guardrail is the primary means of fall protection is set at 38 inches. Top rail height of 36 inches for scaffolds is permitted where personal fall arrest systems are the principal means of fall protection;
- < Use of crossbracing is permitted in place of either a midrail or a top rail where certain criteria are present, but not in place of an entire guardrail system;
- < A competent person is required to determine the usefulness and safety of providing fall protection and safe access for scaffold erectors and dismantlers based on job site conditions, but does not require the determination to be in writing;
- < Training requirements for scaffold workers are clarified and details are provided to determine when workers must be retrained; and
- < A distinction is provided between the training needed by employees to erect and dismantle scaffolds, and the training needed by employees who are on scaffolds during the course of work.

The non-mandatory Appendices are as follows:

Appendix A--Scaffold Specifications; to assist employers in designing scaffold systems

Appendix B--Criteria for Determining the Feasibility of Providing Safe Access and Fall Protection for Scaffold Erectors and Dismantlers [Reserved]

Appendix C--List of National Consensus Standards

Appendix D--List of Training Topics for Scaffold Erectors and Dismantlers

Appendix E--Drawings and Illustrations of scaffolds and scaffold components and graphic illustrations of bracing patterns and tie spacing patterns

Federal OSHA removed § 1926.556, Aerial Lifts, and redesignated it unchanged as § 1926.453(a)(2) in revised Subpart L because these types of aerial lifts are, in fact, scaffolds. The existing regulation, § 1926.556(a)(2), contained a requirement for manufacturer certification of “field modified” aerial lifts. OSHA believes that manufacturer certification of “field modified” aerial lifts is necessary to ensure that

modifications to these types of scaffolds will not adversely affect the strength, stability, or other characteristics necessary for their safe use.

CHANGE II: This amendment corrects errors appearing in the regulatory text and in Appendix E of the final rule on Safety Standards for Scaffolds Used in the Construction Industry, which was published in the *Federal Register* on August 30, 1996 at 61 FR 46026.

The implementation of § 1926.451(b)(2)(i), which requires that roof bracket scaffolds be at least 12 inches wide, is stayed to permit further rulemaking to determine what minimum width would be appropriate for roof bracket scaffolds.

Theron J. Bell
Commissioner

Attachments: CHANGE I: 61 FR 46025 (August 30, 1996)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13573&p_text_version=FALSE

CHANGE II: 61 FR 59831 (November 25, 1996)
http://www.osha.gov/FedReg_oshapdf/FED19961125.pdf

Distribution: Commissioner of Labor and Industry
Deputy Commissioner
Directors and Managers
VOSH Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III

**SAFETY STANDARDS FOR SCAFFOLDS USED IN THE CONSTRUCTION INDUSTRY, §§ 1926.450
through 1926.454**

As adopted by the
Safety and Health Codes Board

Date: September 30, 1996



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: February 15, 1997; and
Effective date: September 2, 1997 for § 1926.451(e)(9) and (g)(2)

16 VAC 25-175-1926.450 through 16 VAC 25-175-1926.454

When the regulations, as set forth in the Safety Standards for Scaffolds Used in the Construction Industry, Final Rule, §§ 1926.450 through 1926.454, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 29, 1996

February 15, 1997

September 2, 1997 for
§ 1926.451(e)(9) and (g)(2)

September 2, 1997 for
§ 1926.451(e)(9) and (g)(2)

**Safety Standards for Scaffolds Used in the Construction Industry, §§ 1926.451 and 1926.453;
Corrections; and Administrative Stay to § 1926.451(b)(2)(i)**

As Adopted by the
Safety and Health Codes Board

Date: April 7, 1997



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: July 15, 1997

16 VAC 25-175-1926.451, Scaffolding, Construction, § 1926.451
16 VAC 25-175-1926.453, Manually propelled mobile ladder stands and scaffolds (towers),
§ 1926.453

When the regulations, as set forth in the corrections to the Safety Standards for Scaffolds Used in the Construction Industry, §§ 1926.451 and 1926.453, and in the Administrative Stay to § 1926.451(b)(2)(i), are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 25, 1996

July 15, 1997

November 29, 1996

April 8, 1997